

Application No. 10/069,027  
Response to Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claims 1-11 have been amended to more clearly recite the features of the present invention, and to make some minor grammatical improvements and to correct some minor antecedent basis problems so as to place the claims in better form for issuance in a U.S. patent.

In addition, claim 3 has been amended to clarify the feature of the present invention whereby the bag-like element is shaped as a flat plate when holding fluid in a free load state, in accordance with the disclosure in the specification at page 9, lines 26 and 27.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

It is respectfully submitted, moreover, that the amendments to the claims are clarifying in nature and are not related to patentability and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

Application No. 10/069,027  
Response to Office Action

Customer No. 01933

THE PRIOR ART REJECTION

Claims 1-11 were rejected under 35 USC 102 and under 35 USC 103 as being anticipated by and/or obvious in view of JP 04-129570 ("Tanaka et al"). These rejections, however, are respectfully traversed.

According to the present invention as recited in independent claim 1, a therapeutic appliance is provided for treating dissecting aortic aneurysms, wherein the appliance comprises a stretchable bag-like element provided on and along an end portion of a catheter. As recited in amended claim 1, the bag-like element has an inside film and an outside film which are partially and directly joined, and the bag-like element is shaped as a flat film when not holding a fluid inside and is shaped as a tube when holding a fluid inside.

The Examiner asserts on page 2 of the Office Action that Tanaka et al discloses a balloon catheter comprising a bag-like element with an inside film 7a, an outside film 8 and an additional film 7c. And the Examiner argues that the films of the balloon catheter disclosed in Tanaka et al behave in the same way as the films of the claimed present invention.

It is respectfully pointed out, however, that element 8 of Tanaka et al is not an outside film, as the Examiner asserts. In

Application No. 10/069,027  
Response to Office Action

Customer No. 01933

fact, as shown in Figs. 2 and 4 of Tanaka et al, element 8 indicates connection sites between film 7b and film 7a. In addition, it is respectfully pointed out that film 7b (having connection sites 8) is provided between film 7a (the inside film) and film 7c (the outside film) of Tanaka et al.

According to the teachings of Tanaka et al, the film 7b is formed to have connection sites 8 to separate films 7a and 7b by a predetermined distance 9. As explained in the "Examples" section of Tanaka et al:

"As shown in Fig. 2 and Fig. 3, above mentioned balloon 2 is consisting of inside film 7a, film 7b which is lap-adhered so as to provide predetermined space 9 through the intermediary of connection site 8 being partially placed against film 7a in an appropriate space, and outside film 7c which is lap-adhered integrally to the to the surface of film 7b through the intermediary of an adhesion bond."

Thus, it is respectfully submitted that the inside film 7a and the outside film 7c of Tanaka et al are not partially and directly joined, in the manner of the present invention as recited in claim 1. Instead, film 7b of Tanaka et al is provided to separate inside film 7a from outside film 7c around the circumference of the balloon.

It is respectfully submitted, moreover, that the separation of inside film 7a and outside film 7c by the film 7b is an

Application No. 10/069,027  
Response to Office Action

Customer No. 01933

essential feature of Tanaka et al. For example, as explained in the "Effects of the Invention" section of Tanaka et al:

"Further, the transfer in blood vessel can be performed without trouble since the dual film forming the balloon is connected each other by plural of connection sites and is always maintained integrally without collapsing the overlapped condition..."

Thus, Tanaka et al discloses that the feature whereby the inside film 7a and outside film 7c are separated by film 7b is crucial to the function of the balloon catheter thereof.

In view of the foregoing, it is respectfully submitted that Tanaka et al does not at all disclose, teach or suggest the feature of the present invention as recited in claim 1 whereby inside film and outside film that compose said bag-like element are partially and directly joined. In fact, it is respectfully submitted that Tanaka et al teaches away from changing the structure of the balloon catheter disclosed therein to achieve the therapeutic appliance of the present invention as recited in claim 1.

According to the present invention as recited in amended independent claim 3, moreover, a therapeutic appliance is provided for treating dissecting aortic aneurysms, wherein the appliance comprises a stretchable bag-like element provided on and along an end portion of a catheter. As recited in amended independent claim 3, the bag-like element is substantially

Application No. 10/069,027  
Response to Office Action

Customer No. 01933

rectangular, and the bag-like element is shaped as a flattened film when not holding a fluid inside and is shaped as a flat plate when holding fluid in a free load state.

By contrast, it is respectfully submitted that Tanaka et al merely discloses that the balloon thereof is shaped like a cylinder when filled with fluid. As described in the abstract of Tanaka et al, for example, "the balloon 2 is expanded into a cylindrical shape". In addition, as explained at the bottom of the left column on page 3 of Tanaka et al, "both sides 11a and 11b are adhered integrally through the intermediary of an adhesion bond along with the long direction of the catheter 1 to form balloon 2 into a cylindrical shape." Thus, it is respectfully submitted that balloon 2 of Tanaka et al is formed into a cylindrical shape when filled with fluid, which does not at all correspond to the flat plate shape of the balloon of the present invention as recited in claim 3.

In view of the foregoing, it is respectfully submitted that amended claims 1 and 3, as well as amended claims 2 and 4-11 respectively depending therefrom, all patentably distinguish over Tanaka et al, under 35 USC 102 as well as under 35 USC 103.

\* \* \* \* \*

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

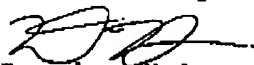
-11-

Application No. 10/069,027  
Response to Office Action

Customer No. 01933

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
Douglas Holtz  
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.  
767 Third Avenue - 25th Floor  
New York, New York 10017-2023  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101

DH:iv  
encs.